

Health and Human Services Agency California Office of HIPAA Implementation

INFORMATION MEMORANDUM

TO: (Distribution List)

FROM: CALIFORNIA OFFICE OF HIPAA IMPLEMENTATION

Title: County Issues Sub-workgroup Function and State Departments' Responsibilities	Number: CalOHI IM 2002-002
Subject: Sub-workgroup Function and Role and Related State Department Responsibilities	Issue Date: March 8, 2002
Reference(s):	Expiration Date: N/A
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I. Purpose

The purpose of this memorandum is to inform State Departments (Departments) of the functions and activities of the HIPAA County Issues Sub-workgroup and to ensure Departments are aware of how the activities and products of this Sub-workgroup can affect their HIPAA implementation and compliance activities.

Similar to Departments that are responding to the impact of HIPAA on the programs they administer, this Sub-workgroup focuses on the impact of HIPAA on counties and counties' roles and responsibilities for HIPAA compliance. In many of California's programs that are state supervised and county administered, a Department's HIPAA implementation and compliance activities must be coordinated with their respective county partners.

II. Background

HIPAA regulations impact the operations of health services and behavioral health-related programs. California's counties will be subject to HIPAA, although the extent to which HIPAA impacts a county will vary from county to county. Depending on various program operations, counties may also be business associates or trading partners with Departments.

The interdependence among Departments, counties, cities, providers and program areas that perform health related services delivery or use health information makes it vital that we develop a common approach to HIPAA implementation. With this in mind, the California Health and Human Services (CHHS) Agency has sponsored a Statewide Workgroup to coordinate HIPAA compliance activities. The group has collaboratively focused on awareness, issue identification and analysis, and tracking implementation efforts. Counties have independently formed a County Issues Sub-workgroup as part of the HIPAA Statewide workgroup. The purpose of this Sub-workgroup is to:

- Share HIPAA information
- Determine the impact of HIPAA on county operations;
- Consolidate issues submitted by counties for Sub-workgroup discussion or forwarding as appropriate;
- Reach consensus on issues where a response consistent among counties will better serve counties' needs; and
- Make recommendations to county agency administrators and their state partners

The Sub-workgroup produces "Consensus Items", which are indicative of the counties' position on an issue. Although these positions do not officially represent all counties on a specific issue, they do represent an informed county perspective. As such, they can be expected to influence decisions made by county agency administrators regarding a county's responses to HIPAA compliance issues and requirements. This in turn can be expected to impact those Departments responsible for programs administered or supported by counties.

III. Recommendation

Departments are responsible for the impact HIPAA has on the policies, procedures and operations of their programs. The positions counties take on HIPAA issues will have a direct bearing on a Department's HIPAA compliance activities. It is, therefore, critical that each Department be aware of the positions that the counties may be taking on HIPAA compliance issues. Departments should be aware of this Sub-workgroup's activities and products and understand the impact of these activities and products on their programs.

We recommend that Departments keep informed of the status and activities of this Sub-workgroup in a number of ways. To achieve this, Departmental HIPAA Coordinators should:

- 1) Sign up to receive the Sub-workgroup's meeting notices and agendas;
- 2) Attend and/or participate, as appropriate, in all scheduled Sub-workgroup meetings;
- 3) Become directly involved whenever the Sub-workgroup addresses programs for which the Department is responsible;
- 4) Receive notice of all Consensus Items

Keeping informed of the status of the Sub-workgroup's activities will help Departments assess the impact on their programs and respond more effectively to any issues that may arise. While the California Office of HIPAA Implementation (CAL-OHI) generally attends this Sub-workgroup's meetings and may participate in its activities as appropriate, CAL-OHI cannot track or monitor the Sub-workgroup's

activities on behalf of Departments. Departments should perform these functions themselves as part of their overall responsibility for their programs. A coordinated approach by Departments with this Sub-workgroup on these issues will:

- Improve communication and information sharing between Departments and counties;
- Help Departments to know what HIPAA-related positions and program operations to expect from the counties;
- Help inform counties as to how Departments will proceed with HIPAA-related changes in their programs; and
- Avoid difficulties with and delays in HIPAA compliance

Departments that do not coordinate these activities risk potential disruptions of their program services, increased costs and inconsistent applications of program operations among counties.

IV. Implementation / Effective Date

The following information is provided to facilitate Departments' involvement with this Sub-workgroup.

Next Sub-workgroup meeting: March 25, 2002; 11:30 a.m. – 1:00 p.m.

Location: Sacramento, 714 P Street, Auditorium

Following next Sub-workgroup meeting: April 15, 2002; 11:30 a.m. – 1:00 p.m.

Location: Sacramento, TBA

Sub-workgroup Leaders:

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